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tion to ballad literature. In attempting to dissociate the popular ballad from dance-origins, she is not only doing away with the one available plausible explanation of ballad-form, but she is disregarding evidence of a most definite kind.

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A LEGAL ASPECT OF BROWNING'S *THE RING AND THE BOOK*¹

Viewed by a lawyer, *The Ring and the Book* includes a twofold plot: the one aspect devoted to Pompilia and Caponsacchi; the other to Guido, his pecuniary motive, and its ultimate projection into a criminal act. But it is not Guido as a protagonist in a tragic drama involving duties and liabilities; it is Guido as he is brought to life, and laid bare, heart and soul, by the searching genius of the Pope, — for whose remarkable portrait Browning found practically no material in the Old Yellow Book. Delving in the dry documents, he gleaned two opposing versions: the first for Guido, prompting the monologue Half-Rome; the second for Pompilia, suggesting Other Half-Rome. *Tertium Quid* becomes a convenient compromise. But where, Browning must have asked himself, lay the truth? To rely upon the callous and pedantic lawyers, who sought to grope through a maze of precedent and technicality, was in no wise to be considered. Some spokesman of the veritable equities must be depicted, some superior intelligence that should penetrate through factional prejudice, through barriers of convention, and through persons and societies—into facts. It was this need that inspired the Pope, who is, in a real sense, Browning's mouthpiece — the Robert Browning, as one critic has indicated, "who sat upon the Papal throne."

The Pope's judicial method is worthy of intensive study. To appreciate his triumph in the case at bar, one can do no better than to consult the closing paragraph of a manuscript volume of old

¹For suggestive material I acknowledge my indebtedness to Charles W. Hodell's *The Old Yellow Book*; and to the following articles, also by Professor Hodell: *A Literary Mosaic* (*PMLA.*, Vol. xxiii, p. 510), *Browning's Old Yellow Book* (*Atlantic*, Vol. 101, p. 407), and Browning's "*Old Yellow Book*" (*The Nation*, Vol. 85, p. 299).

trials discovered in the Royal Casanatense Library at Rome in 1900, eleven years after Browning's death, and thirty-one years after the publication of *The Ring and the Book*. This manuscript, containing the fullest known version of the Franceschini case, and amplifying the Yellow Book in certain details, may, however, for the purposes of this discussion, be looked upon as an accurate resumé of the premises within Browning's reach. Its concluding words thus array the equities:

"Some defended the Comparini, because they had suffered abuse, others the Franceschini as it was a matter of honor. But, on looking at the matter dispassionately, they were adjudged to be equally guilty, except that Pompilia, who was entirely ignorant of the truth, was without blame; for she had consented to the marriage at the command of her mother without the knowledge of her father, and had fled from her husband for fear of death with which he had often unjustly threatened her.

"From trickery arose the union of these two houses, from the Franceschini in frauds regarding property they did not possess, from the Comparini by the pretended birth, or by this very pretense if the birth were real. The trick arose from greed of gain in Pietro to secure the trust moneys for himself, and in the Franceschini to minister to their own ease; so all was done contrary to laws both human and divine. Hence a bad beginning was followed with a wretched ending, as has been told above."

This language, had it been read by Browning, might have yielded the comforting thought that the contemporary estimate of the case did not, after all, exclude compassion for the wronged victims. He might, even, have adjudged it a tolerable approximation to a statement of the actual rights and injuries. For it is far from the meanderings of Battista and Arcangeli; and although it leaves the situation in the mists of compromise, it is, as an attempt to dispose of the conflicting pleas, worth higher respect than the artificial and balanced decision of *Tertium Quid*. Representing, no doubt, the farthest point reached by the seventeenth-century public toward a just and scientific conclusion, it condemns itself, nevertheless, by that tendency, common among onlookers in criminal cases, to raise immaterial issues between the defendant and his victims. The writer of this manuscript sagaciously recognizes the ambition of the Franceschini "to minister to their own ease" as a contributing element; but he impairs the judicial value of his utterance by the prominence he gives to "Pietro's greed of gain."

He feels the temptation, not altogether unlike *Tertium Quid*, to steer "half-way between."

One finds both stimulus and relief when he turns from these impertinencies to the firmly reasoned decision of the Pope. Convinced that nothing is relevant except Guido's design, he addresses himself, at once, to the situation of the man before his marriage. Of noble birth, he lacks money.

So Guido, born with appetite, lacks food:
Is poor, who yet could deftly play-off wealth;
Straitened, whose limbs are restless till at large.
He, as he eyes each outlet of the cirque
And narrow penfold for probation, pines
After the good things just outside its grate.

The condition here described relates, obviously, to a time long before Guido's introduction to the Comparini, in the days when he set about to choose a profession, not a wife; but the Pope, excellent judge that he is, knows that he can spell out the defendant's mind only on the condition that he trace his career from the point where pecuniary motive began to betray itself. Unlike *Tertium Quid* and the two attorneys, he clings to his single plan. Guido, he next discovers, discerned the advantage of a connection with the Church. Himself the pre-eminent churchman, and the official to whom Guido, because of common kinship to the Church, has appealed, the Pope cannot but recognize the temptation of corrupt men, here and there, to take shelter in ecclesiastical office. The occasional frailties of religious life, both clerical and monastic, presented many themes to Browning's genius — one recalls *The Bishop Orders his Tomb* and *Soliloquy of a Spanish Cloister* — but here the idea finds peculiarly vigorous expression. The Pope penetrates Guido's ordination with a sure and direct eye:

Got his arm frocked which, bare, the law would bruise.

.
Why was the choice o' the man to niche himself
Perversely 'neath the tower where Time's own tongue
Thus undertakes to sermonize the world?
Why, but because the solemn is safe too,
The belfry proves a fortress of a sort,
Has other uses than to teach the hour:
Turns sunscreen, paravent and ombrifuge
To whoso seeks a shelter in its pale.

Browning has here, as in subsequent parts of the Pope's monologue, drawn his information from the Book, but the alchemy of his imagination transforms mere fragments of fact into a plausible account of Guido's history before he met with the Comparini. In a manuscript contemporaneous version of the case found in London by an acquaintance of Browning, and transferred to him for use in the poem, the opening words are:

"Guido Franceschini, a nobleman of Arezzo in Tuscany, had stayed for some time here in Rome in the service of a person of some eminence. He decided to take a wife with dowry enough to be of advantage to his house. When he had revealed his desire to a certain hairdresser near the Piazza Colonna, she proposed to him the Signora Francesca Pompilia, thirteen years of age, the daughter of a certain Pietro Comparini and Violante Peruzzi. For beside the promised dowry she was heir to the reversionary interest in bonds and other properties worth about 12,000 scudi."

The manuscript then relates Guido's and his brother Paolo's visit to Violante, their boast of a considerable income, their hoodwinking of Violante and her resulting consent, Pietro's attempt to block the marriage, and Violante's secret execution of her promise to Guido. These facts warrant the judicial inference that Guido, in taking orders, sought a selfish end; the Pope is now ready to pass judgment on the marriage itself, and on its connection with Guido's crime:

He purposes this marriage, I remark,
For no one motive that should prompt thereto—
Farthest, by consequence, from ends alleged
Appropriate to the action;

.
Not one permissible impulse moves the man,
From the mere liking of the eye and ear,
To the true longing of the heart that loves,
No trace of these: but all to instigate,
Is what sinks man past level of the brute
Whose appetite if brutish is a truth,
All is the lust for money: to get gold,—
Why, lie, rob, if it must be, murder.

This is the essence of the matter—Guido's "lust for money." The Pope, in a word, has laid bare the primary motive, which he legitimately associates with the defendant's character. Given a bad man and a bad design, it remains to inquire into the man's opportunity to carry his design into action. Had Browning been a

lawyer of long training, he could not have caused the Pope to proceed along a simpler and more logical way. The exposure of Guido's mind makes plain enough what he conceived his opportunity to be:

He foresaw, made a picture in his mind,—
Of father and mother stunned and echoless
To the blow, as they lie staring at fate's jaws,
Their folly danced into, till the woe fell.

Guido's project, in short, was to dispatch the Comparini, and to feast upon his wife's reputed wealth. With no assurance from the literal *tradenda* of his source, Browning gathers his evidence from the scrupulous description of the uneasy household at Arezzo, no less than from the glaring facts of Guido's character and purpose. But at this point the disclosure that Pompilia is not the child of Pietro and Violante brings Guido's "scheme to naught." Apparently, his pecuniary motive is, after all, to have no bearing on his ultimate deed. Browning, however, having seen the kernel of the evidence, holds fast to his theory; and the Pope, with his steady grip on fact, moves relentlessly on. Guido, he finds, wishing to ruin Pompilia and the Comparini, and so leave "himself in luck and liberty," contrives to goad his wife into "plain revolt." Through forged letters and the help of the servant Margherita, Caponsacchi and Pompilia are brought together. There follows, after the flight to Castelnuovo, Guido's invocation of the law, with the ensuing decree that Pompilia be secluded in a convent, and that Caponsacchi be sent to *Civita Vecchia* for three years. To Guido no immediate course is open except retirement and patience.

The Pope now picks up a thread of which Battista and Arcangeli never once dreamed, of which the Book, indeed, takes no account. In the birth of Gaetano, the son of Pompilia and Guido, the latter sees the occasion to strike his blow. Analyzing Guido's intent, Innocent imagines the very words he might have uttered. He hears him discourse on Pompilia's succession to her parents' property; on her baby's acquisition of her rights; finally, on his own prospective enjoyment of the interest of Gaetano.

Their rights determined on a head
I could but hate, not harm, since from each hair
Dangled a hope for me: now—chance and change!
No right was in their child but passes plain

To that child's child and through such child to me.
I am a father now,—come what, come will,
I represent my child; he comes between—
Cuts sudden off the sunshine of this life
From those three: why, the gold is in his curls!

How faithfully Browning adhered to his independent conception of Guido's guilt becomes evident in this passage. Beginning his despicable career with the object of accumulating the property of others, Guido so cherished his motive that no impulse of his life was wholly free from it. It became his master. His choice of a calling, his marriage, his cruelty to Pompilia and her parents, his plot to drive Pompilia to Caponsacchi's protection, and his crossed attempt to make himself, through a triple murder, the heir of his own son—all of these acts were inextricably interwoven with his quest of gain. The relations of Pompilia and Caponsacchi, which befogged the issues in the Book, acquire their valid proportions in the Pope's monologue, where they are interpreted through mere *obiter dicta*. So clear, indeed, is Browning that Guido's essential and persisting motive was love of money that he abandons in its entirety the features of *causa honoris* dragged into the case by the lawyers, and refers Gaetano's birth and its effects, not to the Pompilia-Caponsacchi aspect of the plot, but to that aspect associated chiefly with Guido himself.

The element in *The Ring and the Book* which interests and impresses the lawyer most is, therefore, Browning's unerring insight, as sympathetic as it is poignant, into the heart of the Franceschini case. Battista, Arcangeli, and *Tertium Quid* yield to the Pope. Law—the law, that is to say, which contrives only to establish decrees, and not to interpret and enforce rights—yields to fact. For law in its gist is fact itself, and laws are nothing more than the rules which human experience has formulated for the guidance of conduct and the protection of society. These rules lawyers know; or they know where and how to find them. But in the science of the truly skilful lawyer they are only measuring units, which can assist him the better in analyzing fact—a labor exacting not mere intelligence, but intelligence charged with sympathy. That composite quality, which the complete lawyer possesses, resides inherently in the poet, who, transcending the lawyer, always includes him. Browning's poetic art, as exhibited in *The Ring and the Book*, is thus in close affinity with the element vital to

jurisprudence; and Browning is the greater poet for the contact. It is surely with a sense of this double aspect of his work that, recounting his conversion of Book into poem, he asks:

Lovers of dead truth, did ye fare the worse?
Lovers of live truth, found ye false my tale?

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MULIER EST HOMINIS CONFUSIO

In his elaborate reply to Dame Pertelote, who had argued that dreams are purely the result of disordered humors, Chauntecleer has his authorities well in hand. But his sharpest shaft is the one with which he concludes the discussion:

Mulier est hominis confusio.

This phrase is found, as Tyrwhitt long ago pointed out, in a definition of woman which is incorporated in the *Speculum Historiale* (Lib. XI. cap. 71).¹

Quid est mulier. Hominis confusio. insaturabilis bestia. continua sollicitudo. indesinens pugna. viri continentis naufragium. humanum mancipium.

This definition of woman occurs in a long series of questions and answers which Vincent de Beauvais borrows, as he tells us, from the *Gesta Secundi Philosophi*. This treatise, which more frequently appears with the title, *Altercatio Hadriani Augusti et Secundi philosophi*, was widely known in the Middle Ages.² In a number

¹ I cite the text from the edition of Antonius Koburger, Nuremberg, 1483. In this edition the general Table of Contents stands as 'Liber I.' Later editions ignore the Table of Contents in numbering the several Books. In these, therefore, our passage will be found in Lib. X, cap. 71.

² For references to numerous texts of this treatise see R. Reicke, *Philologus*, XVIII, 525-527. Reicke prints the complete text according to a Königsberg MS. of the 13th or 14th centuries (pp. 527-534). For a collation of a 14th century MS. at Maihingen see G. Schepps, *Philologus*, XXXVII, 562-567. The text of three 15th century MSS. at Munich is printed by Johannes Bachmann, *Philologus*, XLVI, 388-399. Bachmann also discusses (pp. 385-387) the view advanced by E. Revillout that the *Bios Σεκούνδου φιλοσόφου* owes its origin in turn to a version in some Oriental language.